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EXAMINER	
LAY, MICHELLE K	

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2628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/594,123	TRIMBY ET AL.	
	Examiner	Art Unit	
	MICHELLE K. LAY	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,5-27,29,32 and 33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,5-27,29,32 and 33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 September 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The preliminary amendment filed 02/28/2008 has been entered and made of record. Claims 2, 4, 28 and 30-31 are cancelled. Claims 1, 3, 5-27, 29 and 32-33 are pending.

The amendment to the abstract filed 02/28/2008 has been considered.

The amendment to the disclosure filed 02/28/2009 has been considered.

Information Disclosure Statement

The information disclosure statement filed 05/16/2007 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The information disclosure statement (IDS) submitted on 04/28/2009 and 02/28/2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

Claim **32** is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 27. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is

proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims **3, 5-13, 15-21, 24-25** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3, 5-13, 15-21 recites "A method as claimed in claim 'x'". It is unclear if claims 3, 5-13, 21 are reciting an independent claim that uses the method of claim 'x' or if the claims are depending from claim 'x'. If the latter is true, it is recommended to amend the claims to recite "The method as claimed in claim 'x'".

Claim 10 recites the limitation "the navigation mode" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claims 11, 21 recite the limitation "said user" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites "said participant". It is unclear if "said participant" is the same as "said user" recited in claim 11 or if "said participant" is a different entity.

Claim 13 recites "said participant" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claims 24-25 recites "A system as claimed in claim 'y'". It is unclear if claims 24-25 are reciting an independent claim that uses the system of claim 'y' or if the claims are depending from claim 'y'. If the latter is true, it is recommended to amend the claims to recite "The system as claimed in claim 'y'".

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim(s) **1, 3** and **5-21** is/are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent[1] and recent Federal Circuit decisions[2] indicate that a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim(s) recite a series of steps or acts to be performed, the claim(s) neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. The Applicant has provided no explicit and deliberate definitions of the steps recited in claims 1, 3 and 5-21 to limit the steps to an electronic form.

[1] *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).
[2] *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008).

Claims **22-25** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 22-25 recites "means" for performing the limitation, however Applicant's disclosure fails to define these means. As a result, these means can be software, per se. Therefore, claims 22-25 recites a system that solely calculates an algorithm. This is not directed to the type of subject matter eligible for patent protection. One may not patent a process that comprises every "substantial practical application" of an abstract idea, because such a patent "in practical effect would be a patent on the [abstract idea] itself." Benson, 409 at 71-72, 175 USPQ at 676; cf. Diehr, 450 U.S. at 187, 209 USPQ at 8. Although claim 22-25's preamble states an apparatus (it *does* claim an invention within one of the statutory classes), the limitations of the claim are directed to an abstract idea, i.e., it is in reality seeking patent protection of the instructions, therefore claiming an invention that falls/covers/includes a judicial exception. Ergo, there is no practice application by physical transform, i.e., the "program". The claim is in fact reciting limitations of the instructions/program and not limitations of the apparatus to produce a result.

Claim **26** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 26 claims a user interface however a user interface does not fall under one of the four statutory categories. Furthermore, it is unclear if claim 26 is actually dependent on claim 25 or is an independent claim seeking patent protection for a user interface with limitations of claim 25.

Claims **27**, **29**, **32-33** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 27, 29, 32-33 recite a

computer-readable storage medium. Applicant's disclosure fails to define the claimed computer-readable storage medium. The United States Patent and Trademark Office (USPTO) is obliged to give claims their broadest reasonable interpretation consistent with the specification during proceedings before the USPTO (see *In re Zletz*, 893 F.2d 319 Fed. Cir. 1989). The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals *per se* in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent (see MPEP 2111.01). Thus, the definition of Applicant's computer-readable storage medium in the disclosure provides an open ended listing of computer-readable mediums fails to limit the claim to only non-transitory tangible media, and therefore is non-statutory (see *1351 Off. Gaz. Pat. Office 212* (February 23, 2010)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims **1**, **3**, **5-8**, **10-27**, **29** and **32-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima (5,991,688).

In regards to claim **1**, Fukushima teaches a route setting method/system for use in a navigation system (said ***method of generating path in a virtual environment***) [abstract]. Fukushima teaches a method of determining a new route when the present position of a self vehicle is deviated from a set route (said ***previously created path***) to a final destination point (said ***destination node***) which is set in advance [c.9 L.21-23]. The route data is stored in RAM (8) [c.8 L.38]. A set circle (C) having a predetermined radius is set such that the present position of the self vehicle is positioned at the center thereof. Among route points (said ***nodes***) located within the set circle (C), one route point which is the closest to the final destination point is searched as a route point to be traveled through when the self vehicle returns or recovers to the set route. Then, the recovery route (said ***dynamically reconfiguring topology for new path***) is searched (said ***processing nodal information to determine new path***) between the searched route point and the present position (said ***define a start node for new path***) to return or recover to the set route (said ***new path includes at least one node of previously created path***) [c.9 L.24-32; c.10 L.1-63]. Although Fukushima does not explicitly term an "exit point", it would have been obvious to one of ordinary skill in the art that the last location point the self vehicle travelled prior to deviating from the set route would be considered the "exit point" because that would have been the location/node that the self vehicle travelled before exiting the set route. Furthermore, it would have been obvious to one of ordinary skill in the art that if the location of deviating from the set route is not a node, the method/system of Fukushima would consider this point a node because it is a critical location of when the self vehicle deviated. Therefore, the exit location of the

set route is now the starting point of the recovery route (said ***environment dynamically changed to include a node on previous path if node does not exist***).

In regards to claim **3**, although Fukushima does not explicitly term an "exit point", it would have been obvious to one of ordinary skill in the art that the last location point the self vehicle travelled prior to deviating from the set route would be considered the "exit point" because that would have been the location/node that the self vehicle travelled before exiting the set route. Therefore, node P_p is the "***exit point***" that is on the set route (said ***previous path***) and the starting point for the recovery path [c.9 L.61-c.10 L.14].

In regards to claim **5**, Fukushima teaches a method of determining a new route (said ***return path***) when the present position of a self vehicle is deviated (said ***intersects***) from a set route (said ***previously created path***) to a final destination point which is set in advance [c.9 L.21-23]. A set circle (C) having a predetermined radius is set such that the present position of the self vehicle is positioned at the center thereof. Among route points (said ***nodes***) located within the set circle (C), one route point which is the closest to the final destination point is searched as a route point to be traveled through when the self vehicle returns or recovers to the set route. Then, the recovery route (said ***new path***) is searched (said ***new path determined***) between the searched route point and the present position (said ***start node of new path)*** to return or recover to the set route [c.9 L.24-32; c.10 L.1-63]. Parameter L_{min} indicates the shortest distance among the

distances respectively between the final destination point P_o and each of the route points R_n. Therefore, as shown in Figs. 2 and 3, the parameter L_{min} is resultantly the distance L_5 between the route point R_5 (said ***nearest node to said start node of new path***) corresponding to n=5 and the final destination point Po [c.10 L.63-67].

In regards to claim **6**, with regards to Figs. 2 and 3, the method/system of Fukushima teaches determine if R_n is within the set circle (C). As shown in Fig. 3, route points R0-6 are tested to determine the shortest path back to the set route [c.10 L.1-c.11 L.9]. Although Fukushima does not explicitly teach processing such paths in parallel, it would have been obvious to one of ordinary skill in the art that the determination of the short path is processed in parallel because Fukushima teaches that the time duration required for actually executing the route setting process is within a predetermined time range so that the route setting process does not harmfully influence the other navigation processes [c.9 L.45-55]. Therefore, parallel processing alternate routes saves in time.

In regards to claim **7**, Fukushima teaches calculating the return route (said ***new path***) by determining the distance from P_p to R_5 as the shortest route to return to the set path. The new path includes the return path from P_p to R_5 and the remaining nodes from R_5 to the destination node P_o (said ***subsequent nodes***) [Fig. 3, c.10 L.1-c.11 L.5].

In regards to claim **8**, Fukushima teaches calculating the return route (said ***new path***) by determining the distance from P_p to R_5 as the shortest route to return to the set path.

The new path includes the return path from P_p to R_5 and the remaining nodes from R_5 to the destination node P_o [Fig. 3, c.10 L.1-c.11 L.5]. Although Fukushima does not explicitly term an "exit point", it would have been obvious to one of ordinary skill in the art that the last location point the self vehicle travelled prior to deviating from the set route would be considered the "exit point" because that would have been the location/node that the self vehicle travelled before exiting the set route. Therefore, node P_p is the "***exit point***" that is on the set route (said ***previous path***) and the starting point for the recovery path [c.9 L.61-c.10 L.14].

In regards to claim **9**, Fukushima teaches calculating the return route (said ***new path***) by determining the distance from P_p to R_5 as the shortest route (said ***increase interest component***) to return to the set path. The new path includes the return path from P_p to R_5 and the remaining nodes from R_5 to the destination node P_o (said ***include at least one node of previously created path***) [Fig. 3, c.10 L.1-c.11 L.5].

In regards to claim **10**, Fukushima teaches a navigation system that calculates a return route if the self vehicle deviates from the set path. Therefore, the same navigation system is used for navigating the set path and the return route (said ***same navigation mode employed***) [abstract].

In regards to claim **11**, Fukushima teaches a route setting method/system for use in a navigation system [abstract]. Fukushima teaches a method of determining a new route

when the present position of a self vehicle is deviated from a set route (said ***guided along previous path in automatic navigation mode***) to a final destination point which is set in advance [c.9 L.21-23]. The route data is stored in RAM (8) [c.8 L.38]. By the user deviating from the set route, the user manually created a navigated path away from the set path. The current position of the vehicle P_p is the start node to the new path where the method/system of Fukushima uses the deviated vehicle position to calculate a return route (said ***new path***) to the destination node [c.9 L.19-c.11 L.5]. After the recovery route from the present position P_p to the recovery destination point is et, the set recovery route is displayed on the display (16), and that flow returns to the main navigation program (said ***guided along new path in automatic navigation mode***) [c.11 L.10-14].

In regards to claim **12**, Fukushima teaches the user deviating (said ***manual navigation***) from the set route (said ***automatic navigation***) [c.9 L.21-23]. It would have been obvious to one of ordinary skill in the art that the driver of the vehicle has their own will to deviate from the set route, such as in the case where the driver needs to detour due to traffic conditions, do an unexpected errand, etc.

In regards to claim **13**, Fukushima teaches the user deviating (said ***manual navigation***) from the set route (said ***automatic navigation***) [c.9 L.21-23]. Although Fukushima does not explicitly term an "exit point", it would have been obvious to one of ordinary skill in the art that the last location point the self vehicle travelled prior to deviating from

the set route would be considered the "exit point" because that would have been the location/node that the self vehicle travelled before exiting the set route.

In regards to claim **14**, Fukushima teaches a route setting method/system for use in a navigation system (said ***method of generating path in a virtual environment***) [abstract]. Fukushima teaches a method of determining a new route when the present position of a self vehicle is deviated from a set route (said ***previously created path***) to a final destination point (said ***destination node***) which is set in advance [c.9 L.21-23]. The route data is stored in RAM (8) [c.8 L.38]. A set circle (C) having a predetermined radius is set such that the present position of the self vehicle is positioned at the center thereof. Among route points (said ***nodes***) located within the set circle (C), one route point which is the closest to the final destination point is searched as a route point to be traveled through when the self vehicle returns or recovers to the set route. Then, the recovery route (said ***dynamically reconfiguring topology for return path***) is searched (said ***processing nodal information to determine new path***) between the searched route point and the present position (said ***define second start node***) to return or recover to the set route (said ***recovery path includes at least one node of previously created path***) [c.9 L.24-32; c.10 L.1-63]. Parameter L_{min} indicates the shortest distance among the distances respectively between the final destination point P_o and each of the route points R_n. Therefore, as shown in Figs. 2 and 3, the parameter L_{min} is resultantly the distance L_5 between the route point R_5 (said ***nearest node to said start node of new path***) corresponding to n=5 and the final destination point Po [c.10 L.63-67]. The

return route (said ***return path***) is determined as the distance from P_p to R_5 as the shortest route to return to the set path. The return path includes the return path from P_p to R_5 (said ***re-entry node***) and the remaining nodes from R_5 to the destination node P_o [Fig. 3, c.10 L.1-c.11 L.5]. Although Fukushima does not explicitly term an "exit point", it would have been obvious to one of ordinary skill in the art that the last location point the self vehicle travelled prior to deviating from the set route would be considered the "exit point" because that would have been the location/node that the self vehicle travelled before exiting the set route. Furthermore, it would have been obvious to one of ordinary skill in the art that if the location of deviating from the set route is not a node, the method/system of Fukushima would consider this point a node because it is a critical location of when the self vehicle deviated. Therefore, the exit location of the set route is now the starting point of the recovery route (said ***environment dynamically changed to include a node on previous path if node does not exist***). Furthermore, Fukushima teaches the user deviating (said ***manual navigation***) from the set route (said ***automatic navigation***) [c.9 L.21-23]. It would have been obvious to one of ordinary skill in the art that the driver of the vehicle has their own will to deviate from the set route, such as in the case where the driver needs to detour due to traffic conditions, do an unexpected errand, etc.

In regards to claim **15**, Fukushima teaches the route data is stored in RAM (8) [c.8 L.38]. Therefore, all nodes of the set route (said ***first path***) would be stored in RAM (8), such as exit node, start node, destination node and any intermediate nodes.

In regards to claim **16**, Fukushima teaches a set circle (C) having a predetermined radius is set such that the present position of the self vehicle is positioned at the center thereof. Among route points (said ***nodes***) located within the set circle (C), one route point which is the closest to the final destination point is searched as a route point to be traveled through when the self vehicle returns or recovers to the set route (said ***validating first path***). Then, the recovery route is searched between the searched route point (said ***re-entry point***) and the present position (said ***second start node***) to return or recover to the set route (said ***determine return path***) [c.9 L.24-32; c.10 L.1-63]. With reference to Fig. 3, the return route (said ***return path***) is determined as the distance from P_p to R_5 as the shortest route to return to the set path. The return path includes the return path from P_p to R_5 (said ***re-entry node***) and the remaining nodes from R_5 to the destination node P_o (said ***return path intersects at re-entry node***) [Fig. 3, c.10 L.1-c.11 L.5].

In regards to claim **17**, Fukushima teaches that when the recovery route from the present position P_p to the recovery destination point is set, the set recovery route is displayed on the display (16) and that the flow returns to the main navigation program (said ***automatically navigating the user along return path and continued portion of said first path to destination***) [c.11 L.10-14].

In regards to claim **18**, with regards to Figs. 2 and 3, the method/system of Fukushima teaches determine if R_n is within the set circle (C). As shown in Fig. 3, route points R0-6

are tested to determine the shortest path back to the set route [c.10 L.1-c.11 L.9]. Although Fukushima does not explicitly teach processing such paths in parallel, it would have been obvious to one of ordinary skill in the art that the determination of the short path is processed in parallel because Fukushima teaches that the time duration required for actually executing the route setting process is within a predetermined time range so that the route setting process does not harmfully influence the other navigation processes [c.9 L.45-55]. Therefore, parallel processing alternate routes saves in time.

In regards to claim **19**, Fukushima teaches parameter L_{min} indicates the shortest distance among the distances respectively between the final destination point P_o and each of the route points R_n. Therefore, as shown in Figs. 2 and 3, the parameter L_{min} is resultantly the distance L_5 between the route point R_5 (said ***nearest node of first path***) corresponding to n=5 and the final destination point Po [c.10 L.63-67]. The return route (said ***return path***) is determined as the distance from P_p to R_5 as the shortest route to return to the set path. The return path includes the return path from P_p to R_5 (said ***re-entry node***) and the remaining nodes from R_5 to the destination node P_o [Fig. 3, c.10 L.1-c.11 L.5].

In regards to claim **20**, although Fukushima does not explicitly term an "exit point", it would have been obvious to one of ordinary skill in the art that the last location point the self vehicle travelled prior to deviating from the set route would be considered the "exit point" because that would have been the location/node that the self vehicle travelled

before exiting the set route. Furthermore, Fukushima teaches parameter L_{min} indicates the shortest distance among the distances respectively between the final destination point P_o and each of the route points R_n [c.10 L.63-67]. Therefore, it would have been obvious to one of ordinary skill in the art that the exit point where the user deviated from the set path could be determined to be the shorted path back to the set path, and thus, the re-entry point where the user returns to the set path could also be the same as the location that the user left the set path.

In regards to claim **21**, Fukushima teaches the user may operate the electronic map of the navigation system. Furthermore, the method/system of Fukushima teaches using a GPS to track the location of the user and display the user's position on the map (said ***user is a participant in said virtual environment***) [c.8 L.1-62; Fig. 1].

In regards to claim **22**, claim 22 recites similar limitations as claim 1 but in system form. Therefore, the same rationale used for claim 1 is applied. Furthermore, Fukushima teaches the system illustrated in Fig. 1 to carry out the process recited in claim 1 [c.8 L.1-62].

In regards to claim **23**, claim 23 recites similar limitations as claim 14 but in system form. Therefore, the same rationale used for claim 14 is applied. Furthermore, Fukushima teaches the system illustrated in Fig. 1 to carry out the process recited in claim 14 [c.8 L.1-62].

In regards to claims **24-25**, claims 24-25 recites similar limitations as claim 11 but in system form. Therefore, the same rationale used for claim 11 is applied. Furthermore, Fukushima teaches the system illustrated in Fig. 1 to carry out the process recited in claim 1 [c.8 L.1-62].

In regards to claim **26**, Fukushima teaches a display unit (12) with an interface portion (said ***GUI***) [c.8 L.30-31]. Fukushima teaches the user deviating (said ***manual navigation***) from the set route (said ***automatic navigation***) [c.9 L.21-23]. Fukushima teaches that when the recovery route from the present position P_p to the recovery destination point is set, the set recovery route is displayed on the display (16) and that the flow returns to the main navigation program (said ***back to an automatic navigation along new path***) [c.11 L.10-14].

In regards to claim **27**, claim 27 recites similar limitations as claim 1 but in manufacture form. Therefore, the same rationale used for claim 1 is applied. Furthermore, Fukushima teaches the process recited in claim 1 is stored in a program storage device, tangibly embodying a program of instructions executable by the system controller (4) [c.9 L.4-13].

In regards to claim **29**, claim 29 recites similar limitations as claim 22 but in manufacture form. Therefore, the same rationale used for claim 22 is applied. Furthermore, Fukushima teaches the process is stored in a program storage device, tangibly

embodying a program of instructions executable by the system controller (4) [c.9 L.4-13].

In regards to claim **32**, claim 32 recites similar limitations as claim 1 but in manufacture form. Therefore, the same rationale used for claim 1 is applied. Furthermore, Fukushima teaches the process recited in claim 1 is stored in a program storage device, tangibly embodying a program of instructions executable by the system controller (4) [c.9 L.4-13].

In regards to claim **33**, claim 33 recites similar limitations as claim 14 but in manufacture form. Therefore, the same rationale used for claim 14 is applied. Furthermore, Fukushima teaches the process recited in claim 14 is stored in a program storage device, tangibly embodying a program of instructions executable by the system controller (4) [c.9 L.4-13].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle K. Lay whose telephone number is (571) 272-7661. The examiner can normally be reached on Monday-Friday 7:30a-3:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee M. Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michelle K. Lay/
Primary Examiner, Art Unit 2628
27 September 2010